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EXAMINER
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SHEPARD, JUSTIN E

ART UNIT	PAPER NUMBER
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2424

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/066,420	<b>Applicant(s)</b> MARTIN ET AL.	
	<b>Examiner</b> Justin E. Shepard	<b>Art Unit</b> 2424	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 27 August 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 14, 17 and 19-34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 14, 17 and 19-34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Arguments***

Applicant's arguments filed 8/27/08 have been fully considered but they are not persuasive.

Page 9, last paragraph:

The applicant argues that Gibbon does not teach using an embedded time duration to control the scrolling of the text and playback of the audio. The cited portion of Gibbon (column 14, lines 15-31) teaches that the text, video and audio of a news story are played back in a synchronized manner. The examiner feels that there must be timing information as the text and audio are played back together. The details of this timing duration is not included in Gibbon, which is why Miller has been added. The applicant then argues that Miller does not rectify the problem with Gibbon. The cited portion of Miller (column 6, lines 39-53) states that timing information is embedded in the EDL and is used to synch up the video/audio and the text information.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 19, 20, 22, 23, 25, 29, 30, 31 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Washizuka in view of Brandon in view of Gibbon in view of Miller.

Referring to claim 19, Washizuka discloses a method for broadcasting synchronized audio and corresponding visual text information comprising the steps of:

- providing a computer for recording audio message components input from a sound transducer and corresponding text message components input from a user interface, and storing said message components in said information database (figures 1 and 2; column 2, lines 51-56);

- assembling audio and text messages for broadcast by ordering said audio message components and said text message components in said information database in a predetermined sequence (column 9, lines 9-15);

- providing at least one audio reproduction device for broadcasting audio messages (figure 2);

- broadcasting said audio messages over said at least one audio reproduction device (figure 2).

Washizuka does not disclose a method for providing at least one visual display device for broadcasting text messages;

- broadcasting said text messages over said at least one visual display device; and

- calculating a duration for each audio message component;

- embedding the time duration of each audio message component into the corresponding text message component;

for each of said at least one visual display device, separating said text messages into a plurality of lines;

synchronizing the broadcast of said text messages with said audio messages by calculating a scroll rate for each line for said text messages on said at least one visual display device using the embedded time duration of each corresponding audio message component.

In an analogous art, Brandon teaches a method for providing at least one visual display device for broadcasting text messages;

broadcasting said text messages over said at least one visual display device (column 5, lines 7-17; column 7, lines 62-67).

At the time of the invention it would have been obvious for one of ordinary skill in the art to add the text output taught by Brandon to the system disclosed by Washizuka. The motivation would have been to enable the user to view as well as hear the translation of the inputted text, which would enable the user to make sure the correctness of the translation.

Washizuka and Brandon do not disclose a method for calculating a duration for each audio message component;

embedding the time duration of each audio message component into the corresponding text message component;

for each of said at least one visual display device, separating said text messages into a plurality of lines;

synchronizing the broadcast of said text messages with said audio messages by calculating a scroll rate for each line for said text messages on said at least one visual display device using the embedded time duration of each corresponding audio message component.

In an analogous art, Gibbon teaches a method for each of said at least one visual display device, separating said text messages into a plurality of lines; and for synchronizing the broadcast of said text messages with said audio messages by calculating a scroll rate for each line for said text messages on said at least one visual display device using the embedded time duration of each corresponding audio message component (column 14, lines 15-31).

At the time of the invention, it would have been obvious for one of ordinary skill in the art to add the synchronized scrolling text and audio taught by Gibbon to the system disclosed by Washizuka and Brandon. The motivation would have been to enable better data retention by the user by enabling them to read and hear the information simultaneously.

Washizuka, Brandon and Gibbon do not disclose a method for calculating a duration for each audio message component;

embedding the time duration of each audio message component into the corresponding text message component.

In an analogous art, Miller teaches a method for calculating a duration for each audio message component;

embedding the time duration of each audio message component into the corresponding text message component (column 6, lines 39-53).

At the time of the invention, it would have been obvious for one of ordinary skill in the art to add the synchronized timing taught by Miller to the system disclosed by Washizuka, Brandon and Gibbon. The motivation would have been to enable better data retention by the user by enabling them to read and hear the information simultaneously by creating timing information that enables the synchronization.

Referring to claim 20, Washizuka discloses a method for broadcasting synchronized audio and corresponding visual text information as claimed in claim 19 wherein the step of assembling messages for broadcast further comprises the steps of: assigning a unique identification tag to each audio message component and each text message component; and compiling a list of the audio message components and text message components by unique identification tag (column 2, lines 65-67; column 4, lines 25-33; column 5, lines 2-6; column 7, lines 19-22 and 41-44).

Referring to claim 22, Washizuka discloses a method for broadcasting synchronized audio and corresponding visual text information comprising the steps of:

a. storing a plurality of pre-recorded audio take files, each audio take file being identified by a unique tag (column 7, lines 13-18; column 9, lines 9-15), and storing a plurality of corresponding visual text files, each corresponding text file being identified by the corresponding audio take file unique tag (column 5, lines 22-39);

c. assembling the audio portion of the specific message to be broadcast by having the central computer combine the required pre-recorded stored audio take files in sequence and generate an audio take list containing the corresponding unique tags in sequence for the specific message to be broadcast (column 9, lines 9-15).

Washizuka does not teach a method where each audio take file including an embedded time queue identifying the length of time for broadcast of that audio take file;

b. identifying to a central computer a specific message to be broadcast and displayed;

d. transmitting the audio take list to a visual display computer;

e. assembling by said visual display computer the text portion of the specific message to be displayed from the audio take list by combining the required stored visual text files in sequence;

f. transmitting the text portion of the specific message to be displayed to at least one visual display, each said visual display having a microprocessor;

g. separating by the microprocessor in each of said visual displays receiving the transmitted text portion the text portion of the specific message to be displayed into a plurality of lines to scroll on that specific visual display and, for each line of said plurality of lines, for the audio take files corresponding to the visual text files on that line, summing the embedded time queue for that line and determining a scroll rate for that line;

h. transmitting by said central computer said audio portion of the specific message to be broadcast to at least one audio reproduction device and transmitting to



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said visual display computer a command to direct each of said visual displays receiving the transmitted text portion to display said text portion of the specific message to be displayed using the determined scroll rate for each line of text to scroll so that the audio portion and corresponding text portion are synchronized such that an observer would simultaneously hear the audio portion and see the corresponding text portion.

In an analogous art, Brandon teaches a method for b. identifying to a central computer a specific message to be broadcast and displayed (column 5, lines 7-17; column 7, lines 62-67).

At the time of the invention it would have been obvious for one of ordinary skill in the art to add the text output taught by Brandon to the system disclosed by Washizuka. The motivation would have been to enable the user to view as well as hear the translation of the inputted text, which would enable the user to make sure the correctness of the translation.

Washizuka and Brandon do not disclose a method where each audio take file including an embedded time queue identifying the length of time for broadcast of that audio take file;

- d. transmitting the audio take list to a visual display computer;
- e. assembling by said visual display computer the text portion of the specific message to be displayed from the audio take list by combining the required stored visual text files in sequence;
- f. transmitting the text portion of the specific message to be displayed to at least one visual display, each said visual display having a microprocessor;

g. separating by the microprocessor in each of said visual displays receiving the transmitted text portion the text portion of the specific message to be displayed into a plurality of lines to scroll on that specific visual display and, for each line of said plurality of lines, for the audio take files corresponding to the visual text files on that line, summing the embedded time queue for that line and determining a scroll rate for that line;

h. transmitting by said central computer said audio portion of the specific message to be broadcast to at least one audio reproduction device and transmitting to said visual display computer a command to direct each of said visual displays receiving the transmitted text portion to display said text portion of the specific message to be displayed using the determined scroll rate for each line of text to scroll so that the audio portion and corresponding text portion are synchronized such that an observer would simultaneously hear the audio portion and see the corresponding text portion.

In an analogous art, Gibbon teaches a method for d. transmitting the audio take list to a visual display computer;

e. assembling by said visual display computer the text portion of the specific message to be displayed from the audio take list by combining the required stored visual text files in sequence;

f. transmitting the text portion of the specific message to be displayed to at least one visual display, each said visual display having a microprocessor;

g. separating by the microprocessor in each of said visual displays receiving the transmitted text portion the text portion of the specific message to be displayed into a

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plurality of lines to scroll on that specific visual display and, for each line of said plurality of lines, for the audio take files corresponding to the visual text files on that line, summing the embedded time queue for that line and determining a scroll rate for that line;

h. transmitting by said central computer said audio portion of the specific message to be broadcast to at least one audio reproduction device and transmitting to said visual display computer a command to direct each of said visual displays receiving the transmitted text portion to display said text portion of the specific message to be displayed using the determined scroll rate for each line of text to scroll so that the audio portion and corresponding text portion are synchronized such that an observer would simultaneously hear the audio portion and see the corresponding text portion (column 14, lines 15-31).

At the time of the invention, it would have been obvious for one of ordinary skill in the art to add the synchronized scrolling text and audio taught by Gibbon to the system disclosed by Washizuka and Brandon. The motivation would have been to enable better data retention by the user by enabling them to read and hear the information simultaneously.

Washizuka, Brandon and Gibbon do not disclose a method where each audio take file including an embedded time queue identifying the length of time for broadcast of that audio take file.

In an analogous art, Miller teaches a method where each audio take file including an embedded time queue identifying the length of time for broadcast of that audio take file (column 6, lines 39-53).

At the time of the invention, it would have been obvious for one of ordinary skill in the art to add the synchronized timing taught by Miller to the system disclosed by Washizuka, Brandon and Gibbon. The motivation would have been to enable better data retention by the user by enabling them to read and hear the information simultaneously by creating timing information that enables the synchronization.

Claim 30 is rejected on the same grounds as claim 22.

Referring to claim 23, Washizuka and Brandon do not disclose a method for broadcasting synchronized audio and corresponding visual text information of claim 22, where said at least one visual display comprises a plurality of visual displays with each said visual display being associated with at least one of said at least one audio reproduction device and, in step h, the transmitting by said central computer is to a selected set of said at least one audio reproduction devices and the transmitting to said visual display computer the command directs those visual displays to display the text portion which are associated with those audio reproduction devices in the set receiving the audio portion.

In an analogous art, Gibbon teaches a method for broadcasting synchronized audio and corresponding visual text information of claim 22, where said at least one visual display comprises a plurality of visual displays with each said visual display being

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associated with at least one of said at least one audio reproduction device and, in step h, the transmitting by said central computer is to a selected set of said at least one audio reproduction devices and the transmitting to said visual display computer the command directs those visual displays to display the text portion which are associated with those audio reproduction devices in the set receiving the audio portion (column 14, lines 15-31).

At the time of the invention, it would have been obvious for one of ordinary skill in the art to add the synchronized scrolling text and audio taught by Gibbon to the system disclosed by Washizuka and Brandon. The motivation would have been to enable better data retention by the user by enabling them to read and hear the information simultaneously.

Referring to claim 25, Washizuka and Brandon do not disclose a method for broadcasting synchronized audio and corresponding visual text information of claim 22, where the specific message to be broadcast and displayed identified to said central computer comprises a plurality of related messages to be broadcast and displayed in a timed sequence controlled by said central computer.

In an analogous art, Gibbon teaches a method for broadcasting synchronized audio and corresponding visual text information of claim 22, where the specific message to be broadcast and displayed identified to said central computer comprises a plurality of related messages to be broadcast and displayed in a timed sequence controlled by said central computer (column 14, lines 15-31).

At the time of the invention, it would have been obvious for one of ordinary skill in the art to add the synchronized scrolling text and audio taught by Gibbon to the system disclosed by Washizuka and Brandon. The motivation would have been to enable better data retention by the user by enabling them to read and hear the information simultaneously.

Claim 31 is rejected on the same grounds as claim 25.

Referring to claim 29, Washizuka discloses a method for broadcasting synchronized audio and corresponding visual text information of claim 22, wherein the step of identifying to said central computer a specific message to be broadcast and displayed, the message to be broadcast and displayed is a message which can not be formed by assembling from the stored plurality of pre-recorded audio take files plurality of corresponding visual text files, such that the text of the specific message is typed into a user interface and the corresponding audio is spoken into a microphone and then displayed and broadcast (figures 1 and 2; column 2, lines 51-56; column 9, lines 9-15).

Claim 33 is rejected on the same grounds as claim 29.

Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Washizuka, Brandon, Gibbon, and Miller as applied to claim 19 above, and further in view of Maehiro.

Referring to claim 14, Washizuka, Brandon, Gibbon, and Miller do not disclose a method for broadcasting synchronized audio and corresponding visual text information as claimed in claim 19 further comprising the steps of:

supplying a message type code from said user interface to said computer, said message type code representative of a predetermined message sequence to be broadcast; and supplying a plurality of message variables relevant to the message sequence to be broadcast.

In an analogous art, Maehiro teaches a method for broadcasting synchronized audio and corresponding visual text information as claimed in claim 19 further comprising the steps of:

supplying a message type code from said user interface to said computer, said message type code representative of a predetermined message sequence to be broadcast; and supplying a plurality of message variables relevant to the message sequence to be broadcast (paragraph 10).

At the time of the invention, it would have been obvious for one of ordinary skill in the art to add the pre-defined messages Maehiro to the system disclosed by Washizuka, Brandon, Gibbon, and Miller. The motivation would have been to provide to the user pre-defined message inputs to enable quicker inputting.

Claims 17, 24, 27, and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Washizuka, Brandon, Gibbon, and Miller as applied to the claims above, and further in view of Weber.

Referring to claim 17, Washizuka, Brandon, Gibbon, and Miller do not disclose a method for broadcasting synchronized audio and corresponding visual text information as claimed in claim 19 wherein said step of broadcasting said audio and text messages over said at least one audio reproduction device and said at least one text display device further includes selecting a predetermined broadcast zone to which said audio and text messages are broadcast.

In an analogous art, Weber teaches a method for broadcasting synchronized audio and corresponding visual text information as claimed in claim 19 wherein said step of broadcasting said audio and text messages over said at least one audio reproduction device and said at least one text display device further includes selecting a predetermined broadcast zone to which said audio and text messages are broadcast (column 2, lines 46-63).

At the time of the invention, it would have been obvious for one of ordinary skill in the art to add the zone messaging taught by Weber to the system disclosed by Washizuka, Brandon, Gibbon, and Miller. The motivation would have been to enable the message to only be broadcast in areas where the information would be useful.

Referring to claim 24, Washizuka, Brandon, Gibbon, and Miller do not disclose a method for broadcasting synchronized audio and corresponding visual text information of claim 23, where each of said plurality of visual displays and the audio reproduction devices associated therewith are included in one or more broadcast zones and, in step h, the transmitting by said central computer is to a selected set of said at least one



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audio reproduction devices and the transmitting to said visual display computer the command directs those visual displays to display the text portion which are associated with those audio reproduction devices in the set receiving the audio portion results in the specific message to be broadcast and displayed being broadcast and displayed in one or more of said broadcast zones.

In an analogous art, Weber teaches a method for broadcasting synchronized audio and corresponding visual text information of claim 23, where each of said plurality of visual displays and the audio reproduction devices associated therewith are included in one or more broadcast zones and, in step h, the transmitting by said central computer is to a selected set of said at least one audio reproduction devices and the transmitting to said visual display computer the command directs those visual displays to display the text portion which are associated with those audio reproduction devices in the set receiving the audio portion results in the specific message to be broadcast and displayed being broadcast and displayed in one or more of said broadcast zones (column 2, lines 46-63).

At the time of the invention, it would have been obvious for one of ordinary skill in the art to add the zone messaging taught by Weber to the system disclosed by Washizuka, Brandon, Gibbon, and Miller. The motivation would have been to enable the message to only be broadcast in areas where the information would be useful.

Claim 27 is rejected on the same grounds as claim 25.

Claim 34 is rejected on the same grounds as claim 24.

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Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Washizuka, Brandon, Gibbon, and Miller as applied to claim 19 above, and further in view of Murata.

Referring to claim 21, Washizuka, Brandon, Gibbon, and Miller do not disclose a method for broadcasting synchronized audio and corresponding visual text information as claimed in claim 19, where, for each audio and corresponding text message broadcast, the text is displayed such that the text line in the vertical center of the visual display device corresponds to the audio being broadcast.

In an analogous art, Murata teaches a method for broadcasting synchronized audio and corresponding visual text information as claimed in claim 19, where, for each audio and corresponding text message broadcast, the text is displayed such that the text line in the vertical center of the visual display device corresponds to the audio being broadcast (paragraph 141).

At the time of the invention, it would have been obvious for one of ordinary skill in the art to add the vertical center taught by Murata to the method disclosed by Washizuka, Brandon, Gibbon, and Miller. The motivation would have been for the device to be easier to read as the current text would be placed in the center, allowing for slow readers to catch up if needed.

Claims 26 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Washizuka, Brandon, Gibbon, and Miller as applied to claim 19 above, and further in view of Letzt.

Referring to claim 26, Washizuka, Brandon, Gibbon, and Miller do not disclose a method for broadcasting synchronized audio and corresponding visual text information of claim 25, where the time controlled sequence can be altered and where any of said plurality of related messages can be skipped and where any of said plurality of related messages can be repeated.

In an analogous art, Letzt teaches a method for broadcasting synchronized audio and corresponding visual text information of claim 25, where the time controlled sequence can be altered and where any of said plurality of related messages can be skipped and where any of said plurality of related messages can be repeated (column 7, lines 35-41).

At the time of the invention, it would have been obvious for one of ordinary skill in the art to add the message repeating taught by Letzt to the method disclosed by Washizuka, Brandon, Gibbon, and Miller. The motivation would have been to enable users to get a message repeated if they missed it while they were in the bathroom.

Claim 32 is rejected on the same grounds as claim 26.

Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Washizuka, Brandon, Gibbon, Miller, and Weber as applied to claim 27 above, and further in view of Letzt.

Claim 28 is rejected on the same grounds as claim 26.

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Justin E. Shepard whose telephone number is (571) 272-5967. The examiner can normally be reached on 7:30-5 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on (571) 272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JS

/Annan Q Shang/  
Primary Examiner, Art Unit 2424